

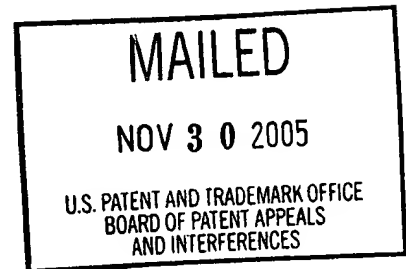
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YUTAKA NAKATSU,
SHIN IIMA, KAYOKO OHYOSHI
and TOMOMI NAKAMURA

Application No. 08/610,758



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 13, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that on February 14, 2005, appellants filed an Appeal Brief under the rules set forth in 37 CFR § 41.37. However, a review of the application reveals that the following sections are missing from the Appeal Brief:

(1) "Evidence appendix, as set forth in 37 CFR § 41.37(c)(1)(ix); and

(2) "Related proceedings appendix" as set forth in 37 CFR § 41.37 (c)(1)(x).

The Examiner's Answer filed on May 5, 2005 is found to be non-compliant with the headings as set forth in the new rules under 37 CFR § 41.37. It is required that a new Examiner's Answer be provided in compliance with the new rules.

Additionally, the Information Disclosure Statement (IDS) filed on February 17, 2004 needs to be considered by the examiner.

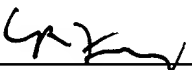
Accordingly, it is

ORDERED that the application is returned to the examiner to:

- have the appellants submit a supplemental Appeal Brief in compliance with the new rules set forth in 37 CFR § 41.37;
- submit a new examiner's answer in accordance with the new rules effective September 13, 2004; and

- have the IDS filed February 17, 2004 properly considered; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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